

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:11-cr-1
v.)	
)	COLLIER / LEE
MANOLO MENDEZ ESCOBAR)	
a/k/a Johnny Ayala-Garcia)	

ORDER

On June 3, 2011, Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count One of the two-count Second Superseding Indictment; (2) accept Defendant's plea of guilty to Count One of the Second Superseding Indictment; (3) adjudicate Defendant guilty of the charges set forth in Count One of the Second Superseding Indictment; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter (Court File No. 104). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Court File No. 104) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count One of the Second Superseding Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to Count One of the Second Superseding Indictment is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One of the Second Superseding Indictment;

- (4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing;
and
- (5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is
scheduled to take place on **Thursday, September 22, 2011 at 9:00 a.m.** before the
Honorable Curtis L. Collier.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE